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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,558	07/17/2003	Ruby Salton	27453	1332

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EXAMINER

CLOUD, JOIYA M

ART UNIT	PAPER NUMBER
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2144

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08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/621,558	SALTON, RUBY	
	Examiner	Art Unit	
	Joiya M. Cloud	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/25/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications filed 07/23/2007. Claims 1-51 are presented for examination. Claims 1, 15, 27, 35, 44, and 50 have been amended.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-11, 13-46 and 50-51** are rejected under 35 U.S.C. 102(b) as being anticipated by Hancock (**WO 02/01405 A1**).

As per claim 1, Hancock teaches an event-based communication system comprising: a computer-based server, said server running a server application of said communication system; a plurality of electronic devices communicating with said server (**members**); and a database (**Abstract, SatelX system database**) residing on said server, said database comprising information regarding events that have occurred, or are to occur, at a particular time and location, and participated or to be participated, by a plurality of persons including the subscriber to the

event-based communication system (**Hancock, page 2, paragraphs 3 and 8, and page 3, paragraph 4, where the subscriber who logs the new location participates with out members in the anticipated event**), and cross-correlation between said events and participants in said events from among said subscribers (**Diagram 4 of 9, Procedure**), wherein said electronic devices communicate with said server application regarding a specific event, for updating and retrieving said database information of said specific event, or for updating and retrieving therefrom information (**subscriber/user personal profile**) regarding one or more participants in said specific event (**Section 4.3, The location field**), said information regarding participants comprising at least pictures or video-clips (**Section 4.2 and Diagram 9, [PHOTO]**) (**Abstract, Page 2, 6**).

As per claims 2-6, Hancock teaches the event-based communication system wherein at least one said events is virtual; said electronic devices comprise wireless devices; electronic devices comprise at least one computer running a client application of said communication system; said information regarding subscribers comprises personal identification data and contact data (**PNS profiles**) (**Abstract, Page 2**).

As per claims 6-8, Hancock teaches wherein said client application comprises sending commands to said server; wherein said commands prompt said server to manipulate said database; and wherein said client application comprises sending queries to said server and receiving replies from said server (**Page 2, where the command is changeable location field in the database, Section 4.1 Infrastructure**).

As per claim 9, Hancock teaches wherein said electronic devices comprise at least one Contact Center, communicating with said server, said Contact Center comprising at least input means for entering identification data into said server (**contact center is functionally equivalent to the computer stations set up peripherally with the venue, Page 2 and Page 3, where members can input Location information as part of identification data**).

As per claim 10, Hancock teaches wherein said input means comprise one of a barcode reader and a magnetic-card reader (**Page 2, Section 4.1 and Abstract**).

As per claim 11, Hancock teaches wherein said Contact Center additionally comprises a computer-based system running a Contact Center application (**Page 2**).

As per claims 13-14, Hancock teaches wherein said input means additionally comprise input means for entering queries into said Contact Center application, and wherein said Contact Center application comprises means for sending said queries to said server and receiving responses to said queries from said server and wherein said responses comprise at least one of textual responses, pictures and video-clips (**Page 6, Summary and Abstract**).

As per claim 15, Hancock teaches a method of enabling communication with a person attending, or to attend, a specific event, the method comprising the steps of: providing an event-based communication system comprising a computer-based server, said server running a server software application of said communication system, said server additionally comprising a database residing on said server, said database comprising at least information regarding subscribers to said communication system, information regarding events that have occurred, or are to occur, at a particular time and location, and participated or to be participated, by a plurality

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of persons including the subscriber to the event-based communication system (**Hancock, page 2, paragraphs 3 and 8, and page 3, paragraph 4, where the subscriber who logs the new location participates with out members in the anticipated event**), and cross-correlation between said events and participants in said events from among said subscribers, said server communicating with at least one electronic device, wherein said communication with said at least one electronic device comprises communication regarding said specific event, for updating said database information of said specific event, or for retrieving therefrom information regarding one or more participants in said specific event, said information regarding participants comprising at least pictures or video-clips; and receiving present location information of at least one said subscribers (**Diagram 9, [PHOTO]**) (**Abstract, Pages 2, 3 and 6**).

As per claim 16, Hancock teaches wherein said receiving present location information comprises receiving automatic location information from a GPS, wireless or Bluetooth device (**Page 2, Sections 3.2 and 4.1**).

As per claim 17, Hancock teaches, wherein said receiving present location information comprises receiving an MMS message or an SMS message indicating said location (**Abstract, Page 5, line 13**).

As per claim 18, claim 18 lists all of the same elements as claim 2, but in method rather than system form. Therefore, the supporting rationale of the rejection to claim 2 applies equally as well to claim 18.

As per claim 19, claim 19 lists all of the same elements as claim 3, but in method rather than system form. Therefore, the supporting rationale of the rejection to claim 3 applies equally as well to claim 19.

As per claim 20, claim 20 lists all of the same elements as claim 4, but in method rather than system form. Therefore, the supporting rationale of the rejection to claim 4 applies equally as well to claim 20.

As per claim 21, claim 21 lists all of the same elements as claim 5, but in method rather than system form. Therefore, the supporting rationale of the rejection to claim 5 applies equally as well to claim 21.

As per claim 22, claim 22 lists all of the same elements as claim 6, but in method rather than system form. Therefore, the supporting rationale of the rejection to claim 6 applies equally as well to claim 22.

As per claim 23-26, Hancock teaches wherein said communication with said at least one electronic device comprises receiving queries from said electronic device and sending replies to said electronic device (**Page 2, where the command is changeable location field in the database, Section 4.1 Infrastructure**); said replies comprise at least one of text, picture and video-clip; said communication with said at least one electronic device additionally comprises receiving a further communication from said electronic device, following said step of sending a reply; said received further communication to said person attending said specific event (**Abstract, page 2,3, and 6**).

As per claim 27, Hancock teaches method of either of claims 25 and 26, wherein said further communication comprises a MMS message (**Abstract, Page 5 Line 13**).

As per claim 28, claim 28 lists all of the same elements as claim 9, but in method rather than system form. Therefore, the supporting rationale of the rejection to claim 9 applies equally as well to claim 28.

As per claim 29, claim 29 lists all of the same elements as claim 11, but in method rather than system form. Therefore, the supporting rationale of the rejection to claim 9 applies equally as well to claim 11.

As per claim 30, claim 30 lists all of the same elements as claim 10, but in method rather than system form. Therefore, the supporting rationale of the rejection to claim 10 applies equally as well to claim 30.

As per claim 31, Hancock teaches receiving present location information comprises using said input means for reading said present location information (**Page 3**).

As per claims 32-34, claims 32-34 lists all of the same elements as claims 12-14, but in method rather than system form. Therefore, the supporting rationale of the rejection to claims 12-14 applies equally as well to claims 32-34.

As per claim 35, X teaches method of contacting a person attending an event, the method comprising the steps of: providing an event-based communication system comprising a computer-based server, said server running a server software application of said communication system, said server additionally comprising a database residing on said server, said database

comprising at least information regarding subscribers to said communication system, said information about subscribers comprising at least pictures or video-clips, information regarding events, and cross-correlation between said events and participants in said events from among said subscribers; providing a Contact Center in the location of said event and at the time of said event, said Contact Center comprising at least a computer with Internet access, a Contact Center software application and input means for entering identification data into said Contact Center software application; and using said input means of said Contact Center application for communicating with said server **(Diagram 9, [PHOTO]) (Abstract, Page 2,3 and 6; contact center is functionally equivalent to the computer stations set up peripherally with the venue, Page 2 and Page 3, where members can input Location information as part of identification data).**

As per claims 36 and 37, claims 36 and 37 lists all the same elements of claims 10 and 12, but in method rather than system form. Therefore, the supporting rationale of the rejection to claims 10 and 12 applies equally as well to claims 36 and 37.

As per claims 38 and 39, claims 38 and 39 lists all the same elements of claim 13 but in method rather than system form. Therefore, the supporting rationale of the rejection to claims 13 applies equally as well to claims 38 and 39.

As per claim 40, Hancock teaches additionally comprising the step of sending a command to said Contact Center application, following said receiving a response **(Abstract, Page 2, 3, and 6).**

As per claims 41-43, Hancock teaches the step of contacting said person attending said event, following said receiving a response; wherein said query comprises requesting a list of said subscribers attending said event and wherein said response comprises said list of said subscribers attending said event; and wherein said query comprises requesting the pictures of said subscribers attending said event and wherein said response comprises said pictures of said subscribers attending said event (**Abstract, Page 2, 3, and 6**).

As per claim 44, Hancock teaches Contact Center for communicating between people attending an event via an event-based contact server, said server comprising a database including information regarding events that have occurred, or are to occur, at a particular time and location, and participated, or to be participated, by a plurality of persons including the subscriber to the event-based communication system, said Contact Center comprising: a computer-based system with Internet access; and a Contact Center software application running on said computer, said software application enabling said people attending said event to send queries to said server and receive responses from said server, said queries and responses relating to other people attending said event (**Abstract, Page 2, 3, and 6**).

As per claims 45-46, Hancock teaches wherein said software application additionally enables said people attending said event to send commands to said server and wherein said commands prompt said server to manipulate said database (**Abstract, Page 2, 3 and 6**).

As per claim 50, Hancock teaches method of identifying a person previously located in at least one of a series of locations, the method comprising the steps of: providing an event-based communication system comprising a computer-based server, said server running a server

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software application of said communication system, said server additionally comprising a database residing on said server, said database comprising at least information regarding events that have occurred, or are to occur, at a particular time and location, and participated or to be participated, by a plurality of persons including the subscriber to the event-based communication system, and subscribers to said communication system, said information about subscribers comprising at least information regarding events, and cross-correlation between said events and participants in said events from among said subscribers (**Hancock, page 2, paragraphs 3 and 8, and page 3, paragraph 4**).; providing at least one electronic location device in communication with said server; using said at least one electronic location device to transmit a starting present location to said server; and further using said at least one location device to transmit a subsequent series of locations to said server (**Abstract, Page 2, 3, and 6**).

As per claim 51, Hancock teaches additionally comprising the steps of: sending a query to said server regarding people present in at least one of said series of locations at the time said location was transmitted (**Page 3, Location Field**).

Response to Arguments

4. Applicant's arguments filed 07/23/2007 have been fully considered but they are not persuasive.

A) "The system therein described is based on information relating to the interest, traits, needs, and particularly the locations of the subscribers. In sharp contrast, the method and system

of the present invention are based on specific events that have occurred, or are to occur, at a particular time and location and participated, or to be participated, by a plurality of persons including subscribers to the event-based communication system.” [See 2nd paragraph of Applicants Remarks]

As to the above point A), please see section 1 of this Office Action. Examiner also respectfully submits that Applicant had an opportunity to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, the Examiner has adopted such a broad and reasonable interpretation in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Accordingly, the claim language as recited reads on the teachings of Hancock. See specifically where Hancock teaches a database of the SatelX system comprising information regarding events of registered members who input data associated with the venue of their destination in which they intend to meet other registered group members. Thus, Hancock reads upon the claim language, specifically the newly inserted amendments (i.e. “information regarding events *that have occurred, or are to occur, at a particular time and location, and participated...to the event based communication system*”), of exemplary claim 1 (**See Hancock, page 2, paragraphs 3 and 8, and page 3, paragraph 4**).

Conclusion

The prior art made of record and not relied upon (See **Notice of References Cited, Madenberg et al., US Publication 2002/0178225 A1**) is considered pertinent to Applicant's disclosure. Careful consideration should be given to all art of record when preparing a response to this office action to avoid future rejections.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the

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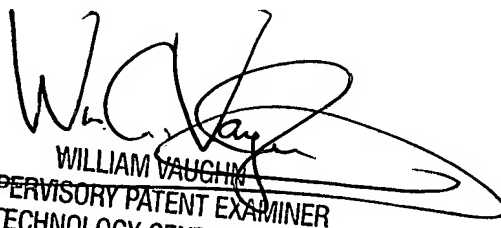
organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

William J. Vaughn

Supervisory Patent Examiner

August 4, 2007


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